

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44809 of 2014

Arising Out of PS.Case No. -159 Year- 2013 Thana -HISUA District- NAWADA

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1. Mithilesh Yadav Son of Devki Yadav resident of village- Narratpur
Fulwariya, P.S.- Hisua, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Aditya Nr. Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 10-04-2015 Heard learned counsel for the petitioner as well as

learned APP for the State.

For an occurrence alleged to have taken place on
14.01.2013, the complaint was filed on 18.01.2013 arraying 21
persons as accused putting allegation that Santosh had killed a
she-goat of complainant/informant which was protested and on
account thereof, all the accused persons armed variously came and
during course thereof, petitioner, Mithilesh Yadav inflicted a
Garasa blow over head of Santosh, Bodhu Yadav gave a Garasa
blow over head of Sukhdeo Yadav and Ravindra Yadav gave a
lathi blow over the hand of Bhola Yadav and then petitioner,
Mithilesh Yadav induced others to loot whereupon all the accused
persons raided his house and looted away the belongings so
detailed therein.



The occurrence is of the year 2013. The case was registered in the year 2013 but the reason best known to the prosecution save and except further statement of informant along with statement of the witnesses recorded under paras, 4, 5, 25, 26, none of the so-called injured have been examined in this case. Several paragraphs of the case diary speak that I.O. had gone in search of witnesses but none turned up. In likewise manner, the treatment happens to be with regard to injury report. None of the paragraph of the case diary suggest that I.O. had directed the informant to produce the injury report. As is evident from complaint petition itself that they had not been examined by the doctor nor the I.O. took pain to visit the hospital. This happens to be the mode of investigation, whereupon, the ultimate beneficiary would be the accused persons.

Accordingly, petitioner, Mithilesh Yadav, in the event of arrest/surrender within four weeks, is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in connection with Hisua P.S. Case No. 159/2013, subject to the condition as laid down under Section 438(2) Cr.P.C.

Let a copy of this order be communicated to the

Superintendent of Police, Nawada with a direction to take appropriate administrative action against the I.O. within three months and submit a report to this Court with regard to steps taken by him.

(Aditya Kumar Trivedi, J)

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